

**BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF DELAWARE**

IN THE MATTER OF THE APPLICATION OF)
TIDEWATER UTILITIES, INC., FOR A)
CERTIFICATE OF PUBLIC CONVENIENCE AND)
NECESSITY TO PROVIDE WATER SERVICES TO)
61 PARCELS OF LAND DISTRIBUTED BETWEEN)
GEORGETOWN, LEWES, FRANKFORD, AND)
OCEAN VIEW, SUSSEX COUNTY, DELAWARE)
PURSUANT TO 26 DEL. C. § 203C.)
("GEORGETOWN - LEWES"))
(FILED JANUARY 6, 2006, AMENDED)
FEBRUARY 6, 2006 AND AUGUST 25, 2006))
)

PSC DOCKET NO. 06-CPCN-01

IN THE MATTER OF THE APPLICATION OF)
TIDEWATER UTILITIES, INC., TO ABANDON)
UNDER 26 DEL. C. § 203A(d) WATER)
SERVICES PROVIDED UNDER A)
CERTIFICATE OF)
PUBLIC CONVENIENCE AND NECESSITY.)
("PARCEL NOS. 235-30.00-6300 AND 235-)
30.00-63.01"))
(FILED NOVEMBER 28, 2018)

PSC DOCKET NO. 18-1226

ORDER NO. 9323

AND NOW, this 15th day of January 2019, the Public Service Commission ("Commission") determines and orders the following:

WHEREAS, on September 18, 2006, the Commission approved Order No. 7018, granting Tidewater Utilities, Inc. ("Tidewater" or the "Company") a Certificate of Public Convenience and Necessity ("CPCN") to provide water services for 61 parcels of land located in Sussex County, Delaware; and

WHEREAS, the Commission retained jurisdiction in this matter, including the authority to enter such further Orders and conduct such further proceedings as it deemed necessary or proper; and

WHEREAS, on November 28, 2018, Tidewater submitted an application (the "Application") requesting authorization to partially abandon or discontinue providing water operations or services by removing two of the parcels of land from its CPCN, specifically Sussex County Tax Map Parcel Numbers 235-30.00-63.00 and 235-30.00-63.01 (the "Parcels"); and

WHEREAS, Tidewater has not requested any change with respect to the other fifty-nine parcels of land; accordingly, those fifty-nine parcels remain included in Tidewater's existing water CPCN pursuant to Order No. 7018 and are not affected by this Order; and

WHEREAS, 26 Del. C. § 203A(d)(1) provides that no public utility shall abandon or discontinue, in whole or in part, any business, operations, or services provided under a CPCN or otherwise, which are subject to jurisdiction of the Commission without first having received Commission approval for such abandonment or discontinuance; and

WHEREAS, 26 Del. C. § 203A(d)(3) provides that the Commission shall approve any application for abandonment when it finds that the utility has met its burden of proving that the abandonment or discontinuance is reasonable, necessary and not unduly disruptive to the present or future public convenience and necessity; and

WHEREAS, based on its review, Staff recommends that the Commission approve the Application on the basis that Tidewater has met its burden of proof as set forth in 26 Del. C. § 203A(d)(3). First, the abandonment is reasonable because Tidewater has stated that it has not built any plant to supply water service to the Parcels. Second, it is necessary as the owners of the Parcels have consented to Tidewater removing the Parcels from its current water service territory. Tidewater noted that

the Parcels are located within an area more readily served by a different water company. Lastly, the abandonment will not be unduly disruptive to the present convenience and necessity because no existing Tidewater customers are located on the Parcels. Hence, Staff finds that the abandonment will not be unduly disruptive to the future public convenience and necessity as future customers would not be impeded from obtaining water services from another public utility;

**NOW, THEREFORE, IT IS HEREBY ORDERED BY THE AFFIRMATIVE
VOTE OF NOT FEWER THAN THREE COMMISSIONERS:**

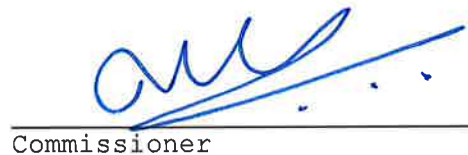
1. The Commission hereby approves Tidewater's Application.
2. Tidewater shall, consistent with our previous practices, provide to the landowners of the Parcels (specifically identified as Sussex County Tax Map Parcel Numbers 235-30.00-63.00 and 235-30.00-63.01) at least 30 days' prior written notice of Tidewater's abandonment of water services. Tidewater shall provide proof of such written notice to Commission Staff on or before March 12, 2019.
3. Except for the specific removal of the Parcels from the CPCN, Tidewater shall retain its CPCN as to all other parcels subject to Order No. 7018.
4. Tidewater is hereby notified that it will be assessed the costs of this proceeding pursuant to 26 Del. C. § 114(b)(1).
5. The Commission reserves the jurisdiction and authority to enter such further Orders in this matter as may be deemed necessary or proper.

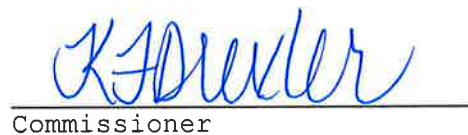
BY ORDER OF THE COMMISSION:

Chairman

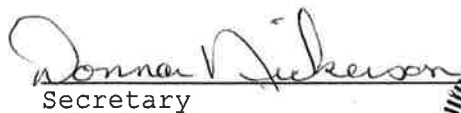

Commissioner


Commissioner


Commissioner


Commissioner

ATTEST:


Secretary

